

## United States Postal Service

## § 958.3

- 958.20 Service of notice of docketing and hearing, other documents.  
958.21 Computation of time.  
958.22 Continuances and extensions.  
958.23 Settlement.

AUTHORITY: 39 U.S.C. 204; 39 U.S.C. 401; 39 U.S.C. 3001; 39 U.S.C. 3018.

EFFECTIVE DATE NOTE: At 81 FR 40193, June 21, 2016, the authority citation for part 958 was revised, effective July 21, 2016. For the convenience of the user, the revised text is set forth as follows:

AUTHORITY: 39 U.S.C. 204, 401, 3001, 3018; 5 U.S.C. 554.

SOURCE: 74 FR 18631, Apr. 24, 2009, unless otherwise noted.

### § 958.1 Purpose.

This part establishes the procedures governing the hearing and appeal rights of any person alleged to be liable for civil penalties, clean-up costs and/or damages for mailing hazardous materials and/or related violations under 39 U.S.C. 3018.

### § 958.2 Definitions.

As used in this part:

- (a) *Complaint* refers to the determination by the Determining Official that an individual has violated the prohibition against mailing hazardous materials and/or related violations under 39 U.S.C. 3018.
- (b) *Initial Decision* refers to the written decision which the Presiding Officer renders.
- (c) *Determining Official* refers to the Chief Postal Inspector or designee.
- (d) *Judicial Officer* refers to the Judicial Officer or Acting Judicial Officer of the United States Postal Service or designee within the Judicial Officer Department.
- (e) *Party* refers to the Postal Service or the respondent.
- (f) *Person* refers to any individual, partnership, corporation, association, or private organization.
- (g) *Presiding Officer* refers to an Administrative Law Judge designated by the Judicial Officer to conduct a hearing.
- (h) *Recorder* refers to the Recorder of the Judicial Office of the United States Postal Service, 2101 Wilson Boulevard, Suite 600, Arlington, Virginia 22201-3078.
- (i) *Representative* refers to an attorney or other advocate.

- (j) *Respondent* refers to any person determined by the Determining Official to be liable for civil penalties, clean-up costs and/or damages for mailing hazardous materials and/or related violations under 39 U.S.C. 3018.

EFFECTIVE DATE NOTE: At 81 FR 40193, June 21, 2016, § 958.2 was amended by revising paragraph (g), effective July 21, 2016. For the convenience of the user, the revised text is set forth as follows:

### § 958.2 Definitions.

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- (g) *Presiding Officer* refers to an Administrative Law Judge designated by the Chief Administrative Law Judge to conduct a hearing, or to the Judicial Officer, if an Administrative Law Judge is not available.

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### § 958.3 Petition for hearing.

Within 30 days of being served the Postal Service's Complaint alleging liability under 39 U.S.C. 3018, the respondent may request a hearing by filing a written Hearing Petition with the Recorder. The respondent's Petition must include the following:

- (a) The words "Petition for Hearing Related to Prohibitions Regarding the Mailing of Hazardous Material" or other words reasonably identifying it as such;
- (b) The name of the respondent as well as his or her work and home addresses, and work and home telephone numbers; and other address and telephone number where the respondent may be contacted about the hearing proceedings;
- (c) The date on which the respondent received the Complaint issued by the Determining Official;
- (d) A statement indicating whether the respondent requests an oral hearing or a decision solely on the written record;
- (e) If the respondent requests an oral hearing, a statement proposing a city for the hearing site, with justification for holding the hearing in that city, as well as recommended dates for the hearing; and
- (f) A statement admitting or denying each of the allegations of liability made in the Complaint, and stating